IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13251 of 2004

Between:

Donthi Reddy Thirupathamma W/o. Late Veera Reddy,
Shanthinagar, Peddapalli, Karimngar District.

..... PETITIONER

AND

1. Inspector of Police, Peddapalli P.S., Peddapalli, Karimnagar District.
2. Superintendent of Police, Karimnagar.
3. Muriki Sappalaiah S/o. Rajaiah,
   Pragathinagar, Peddapalli, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in interfering with the land in Sy.No.342 and 343/5 measuring Ac.1.00 gts situated at Shanthinagar, Peddapalli, Karimnagar District of the petitioner is highly arbitrary, bad and illegal.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondent Nos.1 &2: GP FOR HOME

Counsel for the Respondent No.3: MR. S.NIRANJAN REDDY

The Court made the following:

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ORDER:

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The petitioner claims to be the owner and possessor of the land in S.Nos.342 and 343/5 measuring an extent of Ac.1-00 of land situated in Shanthi Nagar, Peddapalli. She states that the possession of the said land has been delivered to her on 25-08-2003 in execution of the decree in O.S.No.69 of 2001 on the file of the Senior Civil Judge, Peddapalli. It is stated that the third respondent and some others have been interfering with the land in question and, therefore, she filed O.S.No.107 of 2003 on the file of the Senior Civil Judge, Peddapalli seeking a decree for perpetual injunction against the third respondent and others. By order dated 28-11-2003 passed in I.A.No.789 of 2003 in O.S.No.107 of 2003, an interim injunction has been granted in her favour restraining the third respondent and others from interfering with the possession of the petitioner. The said order of injunction is still subsisting. It is alleged that at the instance of the third respondent, the first respondent-Inspector of Police, Peddapalli Police Station has been threatening and preventing the petitioner from entering into the land in question. Taking advantage of the fact that the petitioner being a lady and helpless, the first respondent came to the land on 20-7-2004 along with the third respondent and damaged the fence. In the circumstances, left with no alternative, the petitioner has brought the same to the notice of the Superintendent of Police, Kareemnagar District-second respondent herein about the high-handed action of the first respondent. Though the second respondent assured that necessary steps would be taken to stop unlawful activities of the respondents 1 and 3, no steps have been taken. Hence, this writ petition contending *interalia* that the action of the first respondent in interfering with the civil litigation pending before the Court and also in interfering with the land in question is arbitrary and illegal.

2. A counter-affidavit has been filed by the Circle Inspector of Police, Peddapalli,

Kareemnagar District, the first respondent herein stating that on 15-07-2004 the third respondent approached the first respondent and gave a written complaint against one Donthireddy Venkateshwar Reddy, who is the son of the petitioner stating that he has purchased the land to an extent of Ac.1-20 gts. in S.No.342 and 343/5 situated at Shanthi Nagar, Peddapalli from him and since then disputes arose between them with regard to the sale consideration. It is also stated that the matter was compromised between them before the Lok Adalat in L.S.No.35 of 2000 dated 23-03-2000. However, the son of the petitioner has been abusing and threatening the complainant-third respondent herein. In pursuance of the said complaint, the first respondent has called the son of the petitioner on 16-07-2004 for the purpose of enquiry, into the allegations made by the 3rd respondent. However, he denied all the allegations made against him and, therefore, the first respondent warned both the parties and advised them to get the civil dispute resolved in the competent Court and dropped further action on the complaint made against the son of the petitioner on 16-07-2004 itself. The other allegations made by the petitioner as to the harassment by the first respondent and interference with the possession of the property are specifically denied. It is further stated that except calling the son of the petitioner to the police station on 16-07-2004, the first respondent has never interfered with the civil dispute and no action has been taken at anytime against the son of the petitioner or the petitioner as alleged. It is also stated that he has never interfered with the civil dispute between the petitioner and the third respondent in respect of the lands in S.Nos.342 & 343/5 situated at Shanthi Nagar, Peddapalli, Kareemnagar district.

3. The third respondent also filed a separate counter-affidavit denying the allegations made by the petitioner.

4. In the light of the un-rebutted averments made in the counter affidavits of the respondents 1 and 3, the allegations made by the writ petitioner are un-founded and the matter does not deserve any adjudication on merits. Accordingly, the writ petition is disposed of recording the statement of the first respondent that he is not interfering with the civil dispute between the petitioner and the third respondent in respect of the land in S.Nos.342 and 343/5 situated at Shanthi Nagar, Peddapalli, Kareemnagar District.

5. The writ petition is accordingly disposed of. No costs.

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G. ROHINI, J

Dt.02-09-2004

Glv/Gbs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Inspector of Police, Peddapalli Police Station,
Peddapalli, Karimnagar District.
2. The Superintendent of Police, Karimnagar.
3. Two C Cs to the Government Pleader for Home, High Court Buildings,
Hyderabad. (O.U.T)

4. Two C D copies.